



# WISCONSIN REGULATORY DIGEST

Jim Doyle  
Governor

## A Publication of the HEARING AND SPEECH EXAMINING BOARD

No. 1

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### DRL Welcomes New Secretary

Governor Jim Doyle has appointed **Donsia Strong Hill** as Secretary of the Department of Regulation and Licensing. Strong Hill is an attorney concentrating in municipal bond finance at Strong Hill Associates, Ltd. in the Green Bay area. She is a former Brown County assistant district attorney. Before relocating to Wisconsin, she worked in Washington, D.C. as staff counsel to U.S. Representative John Bryant-Dallas, a senior policy analyst for President Bill Clinton, and a senior advisor in the U.S. Department of Energy. A 1983 graduate of Illinois State University, she received her paralegal certification from Roosevelt University in Chicago in 1985 and a law degree from John Marshall Law School in Chicago in 1989. Strong Hill and her husband, Rick Hill, live in Oneida and have three sons.

### HEARING AND SPEECH EXAMINING BOARD

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Christopher Klein, Executive Assistant  
Donsia Strong Hill, Secretary

### Report on October Conference

*By Gerard L. Kupperman, Ph.D., Chair*

As chair of the Hearing and Speech Examining Board, I attended the annual meeting of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology. This meeting was held in St. Louis, MO from October 17 to 19, 2002. The purpose of the council is to disseminate information about the activities of licensing boards and to provide a common forum for discussion. Approximately 45 members of various licensing boards attended the meeting. Included in this group were board chairs, professional board members, consumer members, and board directors.

The theme of the meeting was the regulation of services provided through telehealth systems. "Telehealth" is the term that describes services provided to a patient when the service provider and patient are in two different physical locations. Problems of regulation occur when services are provided across state lines.

The council noted that 46 states regulate speech-language pathologists and 48 states regulate audiologists. Two states do not regulate either group. Those states are Idaho

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and Michigan. The issue is whether or not the service is provided in the state where the patient is located, or in the state where the service provider is located? Current communication systems allow a service provider to be in contact with patients anywhere. However, no health care provider can be licensed in all 50 states, and the federal government does not have the constitutional authority to license health care providers. No consistent mechanism of regulation has been agreed to. In general, states are still searching for the best methods of regulating telehealth services. Your board continues to explore various options.

There were many additional items of interest that were brought before the council. Many states have a board outreach program in which board members are asked to speak to current and potential licensees. Some states have created a consumer complaint form and require all licensees to prominently display them in their offices. Several boards are developing the concept of continuing competence as opposed to continuing education. The ultimate form of continuing competence would be periodic reexamination of all licensees for renewal of their license. No state has gone that far. However, some are making their continuing education requirements more specific. For example, the board may require each licensee to obtain several hours of continuing education in each renewal cycle in specified areas. These areas might include statute and rule changes, infection control, and record keeping.

Your board will continue to consider all changes in the statute and rules with regard to what is best for the public. Changes, if any, will always have as their guide the need to secure and enhance the safety of the patients we serve. All changes will include public notice and hearings. The board welcomes your comments.

### **An Overview of the HIPAA Federal Privacy Rules**

Pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the U.S. Department of Health and Human Services (DHHS) adopted regulations intended to protect the privacy of health care information. All medical records and other individually identifiable health information used or disclosed by a covered entity in any form, whether electronically, on paper, or orally, are covered by the regulations. Covered entities include

health plans, health care clearinghouses and those health care providers who conduct certain financial and administrative transactions electronically. The regulations became effective on April 14, 2001. Covered entities are not required to comply with the privacy regulations until the compliance date, which for most covered entities is April 14, 2003. See, 45 CFR Parts 160 and 164.

With some exceptions, an individual's health information may only be used for health purposes. Health information covered by the regulation may not be used for purposes unrelated to health care, such as disclosures to employers to make personnel decisions, or to financial institutions, without specific authorization from the individual. Disclosure must be limited to the minimum necessary for the purpose of the disclosure.

Under the regulations, providers and health plans will be required to give patients a clear written explanation of how the covered entity may use and disclose their health information. Patients will be able to see and obtain copies of their records, and request amendments. A history of non-routine disclosures must be made accessible to patients. Although obtaining consent from patients to use and disclose protected health information for treatment, payment and health care operations is optional, any uses or disclosures of the information must still be consistent with the covered entity's notice of privacy practices. Patient authorization must be obtained for non-routine disclosures and most non-health care purposes. Patients have the right to request restrictions on the uses and disclosures of their health care information.

In general, covered entities must adopt written privacy procedures establishing who will have access to protected information, how it will be used within the entity, and when the information may be disclosed. They must provide patients with a written notice of their privacy practices and patients' privacy rights. They must also take steps to ensure that their business associates protect the privacy of health information. In addition, covered entities must train their employees in their privacy procedures, and designate an individual to be responsible for ensuring that the procedures are followed.

Under HIPAA, state confidentiality laws that provide greater protection to patients will

continue to apply. The DHHS regulations will set a national "floor" of privacy standards that will protect all Americans. In some states, including Wisconsin, patients will enjoy additional protection under state laws. See, ch. 146, Wis. Stats.

Covered entities that misuse personal health information may be subject to federal civil and criminal penalties. DHHS's, Office for Civil Rights (OCR) is responsible for implementing and enforcing the regulations. To obtain a copy of the regulations or to request additional information, write to the Office for Civil Rights, U.S. Department of Health and Human Services, 233 N. Michigan Avenue, Suite 240, Chicago, Illinois 60601, or visit their website at <http://www.hhs.gov/ocr/hipaa/>. In addition, information may be obtained from the American Speech-Language-Hearing Association (ASHA) by calling 1-800-498-2071 or by visiting their website at <http://www.asha.org>.

### Continuing Education Programs

The Board wishes to remind licensees that when attending a continuing education program, it is critical to make certain, prior to attendance, that the program has been pre-approved by the board. The board recently received numerous requests from individuals who attended a program in April, but submitted their request in September. The licensees could not receive credit for this program since the sponsor of the program failed to request approval from the board prior to offering the program.

The board automatically accepts continuing education programs or courses of study approved by the following:

- American Academy of Audiology
- American Speech Language Hearing Association
- Wisconsin Department of Public Instruction
- International Hearing Society
- National Board for Certification in Hearing Instrument Sciences

Approved courses taken from any of these institutions that relate to relevant practice will fulfill continuing education hours.

### The following is the number of licensees in Wisconsin as of December 2002:

|                                     |      |
|-------------------------------------|------|
| Hearing Instrument Specialists..... | 219  |
| Speech-Language Pathologists.....   | 1800 |
| Audiologists.....                   | 326  |

### Disciplinary Actions

The disciplinary summaries are taken from orders that can be reviewed on the Department of Regulation and Licensing Web site: [www.drl.state.wi.us](http://www.drl.state.wi.us). Click on "Publications" and then "Reports of Decisions" to view the order. Decisions reported below may have an appeal pending and the discipline may be stayed. The current status of the discipline may be viewed on the Department's Web Site under "License Lookup," by calling (608) 266-2112 or by checking the progress of cases in court at: [www.courts.state.wi.us](http://www.courts.state.wi.us).

#### KIM KURSCHNER

(Hearing Instrument Specialist)

CAMERON, WI

**SUSPENDED/COSTS**

Sold hearing aids to patients without medical evaluations signed by licensed physicians stating that the patient's hearing loss had been medically evaluated and that the patient may be considered a candidate for a hearing aid, or signed waivers to the medical evaluation requirement. Suspended for 30 days effective 12/3/2001. Costs of \$200.00. Dated 12/3/2001. Sec. 459.10(1)(e), Stats. Case #LS0112031HAD

#### PETER B WISLA

(Speech-Language Pathologist)

PRESQUE ISLE, WI

**SURRENDER**

Convicted in the state of New York of exposure. Dated 9-9-2002. Wis. Stat. 459.34(2)(c); Wis. Admin. Code HAD 6.18(1)(c). Case #LS0209091HAD

#### ANDREW R ARNOLD

WEST SALEM, WI

(Hearing Instrument Specialist)

**REPRIMAND/COSTS/SUSPENDED**

Failed to maintain client records. Failed to maintain records of his calibrations of his audiometric testing equipment. Suspend 14 days, 8/27/2002 through 9/9/2002. Costs of \$600.00. Effective 6/10/2002. Sec. HAS 5.02(2)(d),(fm), Wis. Admin. Code. Case #LS0206101HAD

Department of  
Regulation and Licensing  
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Madison, WI 53708-8935

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## TELEPHONE DIRECTORY -- QUICK KEYS

To contact the Department, just dial (608) 266-2112, then enter the Quick Key numbers below for the assistance you need:

|  |             |
|--|-------------|
| To request an application packet:              | press 1-1-3 |
| To check the status of a pending application:  | press 1 - 2 |
| To discuss application questions:              | press 1 - 3 |
| To discuss temporary license questions:        | press 1 - 3 |
| To renew or reinstate a permanent license:     | press 1 - 4 |
| To renew or reinstate a permanent license:     | press 2 - 1 |
| To renew a temporary license:                  | press 2 - 2 |
| To obtain proof of licensure to another state: | press 3 - 1 |
| To find out if a person is licensed:           | press 3 - 2 |
| To file a complaint on a license holder:       | press 8     |
| To check the status of complaints:             | press 8     |
| For all other licensing questions:             | press 1 - 3 |

## VERIFICATIONS

Verifications are now available online at [www.drl.state.wi.us](http://www.drl.state.wi.us). On the Department Web site, please click on "License Lookup". If you do not use the online system, all requests for verification of licenses/credentials must be submitted in writing. There is no charge for this service. Requests should be sent to the Department address or may be faxed to (608) 261-7083 - ATTENTION: VERIFICATIONS. Requests for endorsements to other states must be made in writing - please include \$10 payable to the Department.

## DID YOU KNOW THAT YOU CAN ACCESS MOST INFORMATION ON THE DEPARTMENT OF REGULATION & LICENSING WEB SITE?

Visit the Department's Web site at:

[www.drl.state.wi.us](http://www.drl.state.wi.us)

Send comments to: [web@drl.state.wi.us](mailto:web@drl.state.wi.us)

## CHANGE OF NAME OR ADDRESS?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided. **WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## WISCONSIN STATUTES AND CODE

Copies of the Wisconsin Statutes and Administrative Code relating to Hearing and Speech can be ordered through the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28.